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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Henry G. Johnson et al

Serial No.: 10/804,342

Filed: March 19, 2004

Title: Turbocompressor Impelling Fuel
Recycle In Fuel Cell Power Plant

Docket No.: C-2980

Art Unit: 1745

Examiner: Dove, Tracy Mae

I hereby certify that this correspondence is being facsimile
transmitted to the United States Patent and Trademark
Office (Fax No. 571-273-8300) on August 15, 2007.RESPONSEBarbara Cecere
Barbara CecereCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Office Action dated June 7, 2007. Claims 1-6 remain for consideration.

Claims 1-4 and 6 are rejected as anticipated by Marglott et al. The reference is disqualified by the accompanying Declaration of Michael L. Perry. Allowance of claims 1-4 and 6 is respectfully requested.

The undersigned apologizes for the fact that he did not notice the reference to a turbocompressor in the Abstract of publication U.S. 2005/0164069, nor did the declarant, Paul Marglott. It was a mistake caused by the undersigned in providing a guide, in the form of a draft declaration, to Mr. Marglott to assist him in making his declaration.

Originally, the turbocompressor was in the aforementioned publication. But it was decided that it should be patented on its own. I thought all reference to the turbocompressor had been removed from the former application. And indeed it had, except in the Abstract.

The enclosed Declaration of Michael L. Perry establishes that he conceived the turbocompressor of this application. Therefore, U.S. 2005/0164069 is disqualified as a reference against this application.

Claims 1-5 are rejected as obvious over Keefer. The Declaration of Paul Marglott establishes that Keefer does not disclose driving the turbine of a fuel recycle turbocompressor by either the source of hydrogen-rich gas or by the cathode/air/exhaust, and that Keefer drives the turbine with anode exhaust.